

**ENTERED**

February 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARGARET VOORHEES,

Plaintiff.

VS.

KELSEY-SEYBOLD CLINIC, P.A.,

Defendant.

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CIVIL ACTION NO. 4:18-CV-03748

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On January 8, 2021, Defendant's Motion to Dismiss Relator's Second Amended Complaint (Dkt. 21) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 26. On January 29, 2021, Judge Edison filed a Memorandum and Recommendation (Dkt. 28) recommending that Defendant's Motion to Dismiss Relator's Second Amended Complaint (Dkt. 21) be **GRANTED** in part and **DENIED** in part.

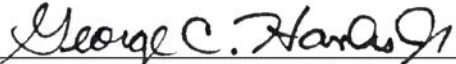
On February 12, 2021, Defendant filed its Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 28) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Motion to Dismiss Relator's Second Amended Complaint (Dkt. 21) is **GRANTED** in part and **DENIED** in part. Specifically, the False Claims Act ("FCA") claims under 31 U.S.C. § 3729(a)(1)(A) and (B) survive, while the unjust enrichment and FCA retaliation claim are dismissed.

It is so **ORDERED**.

SIGNED and ENTERED this 25th day of February 2021.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE